

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**SCOTT ALAN RICHARDSON, and
PAMELA RICHARDSON,**

Plaintiff,

v.

**CITY OF GLADSTONE; PETER BOYCE;
JAMES PRYDE; CLAY GLASGOW; SEAN
BOYLE; and JOHN DOES 1-99,**

Defendants.

MOSMAN, J.,

No. 3:14-cv-00588-ST

OPINION AND ORDER

On January 16, 2015, Magistrate Judge Stewart issued her Findings and Recommendation (“F&R”) [53] in the above-captioned case, recommending that Defendants’ Motion to Dismiss [41] be granted in part and denied in part. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R [53] as my own opinion. Defendants' Motion to Dismiss (docket #41) should be GRANTED in part and DENIED in part, as follows: granted as to Claims 1–3 (§ 1983) with respect to defendants Boyce and the City; Claim 4 (Malicious Prosecution) as it relates to the second citation; and Claim 5 (Interference with Business Relations). In all other respects, Defendants' motion is denied.

As a result, the remaining claims are: Claims 1-3 (§ 1983) against defendants Pryde, Glasgow, and Boyle; Claim 4 (Malicious Prosecution) against all defendants as it relates to the first and third citations; and Claim 6 (IIED) against all defendants.

IT IS SO ORDERED.

DATED this 10th day of February, 2015.

/s/Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge